

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN J. McCARTHY,	:	
	:	
Petitioner	:	CIVIL NO. 1:CV-15-2086
vs.	:	
	:	
WARDEN EBBERT,	:	(Judge Caldwell)
	:	
Respondent	:	

O R D E R

AND NOW, this 1st day of August, 2016, based on the accompanying memorandum, it is ordered that:

1. Petitioner's Motion for Leave to Proceed In Forma Pauperis (Doc. 2) is DENIED as Moot as he has paid the filing fee in this matter.
2. Petitioner's conditions-of-confinement claims against Counselor Reese are dismissed without prejudice to assert the claims in a properly filed *Bivens* action.
3. The Clerk of Court is directed to serve a copy of the Petition (Doc. 1) on the Warden of USP-Lewisburg and the United States Attorney.
4. Within twenty-one (21) days of the date of this Order, the United States Attorney shall answer the petition.
5. Petitioner may, if he so desires, file a reply within fourteen (14) days after the answer is filed.
6. Petitioner's Motion for Order to Show Cause (Doc. 6) seeking service of his petition is DENIED as moot.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge